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12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 IN RE:

15 CHRISTOPHER MICHAEL MARINO, and  
16 VALERIE MARGARET MARINO,

17 Debtors

Case No.: 13-50461-BTB

Chapter 7

**STIPULATION TO CONTINUE  
HEARING**

**Hearing Date: February 19, 2021  
Hearing Time: 10:00 AM**

18  
19 This Stipulation to Continue Hearing is entered into by and between Debtors,  
20 Christopher Michael Marino and Valerie Margaret Marino (“Debtors”), and Creditor, PHH  
21 Mortgage Corporation formerly known as Ocwen Loan Servicing, LLC (“PHH”), by and  
22 through their respective counsel of record, and concerns PHH’s Amended Motion for Relief  
23 from Judgment or Order (Rule 9024) and for New Evidentiary Hearing (“Amended Motion for  
24 Relief”)[ECF No. 167].

25 On February 17, 2021, this Court entered an Order on Stipulation to Bifurcate Hearing,  
26 which affected PHH’s Amended Motion for Relief and Debtors’ Motion to Determine Punitive  
27 Damages [ECF No. 157]. Under the terms of the Order, PHH’s Amended Motion for Relief  
28 was to be heard on February 19, 2021, and the Court was then to determine whether an

1 evidentiary hearing was needed on the matter regarding PHH's Amended Motion for Relief and  
 2 Debtors' Motion or if the Court could make a determination as to punitive damages without  
 3 further hearing.

4 The parties recently exchanged settlement proposals, and have agreed it would be  
 5 mutually beneficial to continue the hearing currently set for February 19, 2021 in order to  
 6 complete those discussions prior to incurring additional expense. The parties are waiting on the  
 7 pending Writ for Certiorari before the United States Supreme Court on the issue of Debtors'  
 8 denial of attorney's fees and costs on appeal in this matter. The United States Supreme Court is  
 9 expected to decide whether it will grant Certiorari in early March. The parties believe that  
 10 resolution of the Certiorari will lend itself to the completion of settlement discussions. The  
 11 parties have been in contact with the Court's clerk to identify a date in April or as soon  
 12 thereafter as possible to schedule the continued hearing.

13 The parties also agree that all other terms of the Order on Stipulation to Bifurcate  
 14 Hearing will apply to the continued hearing, including the provisions whether a further  
 15 evidentiary hearing is needed in this matter and whether this Court can make a determination as  
 16 to punitive damages without further hearing. Should the Court determine an evidentiary hearing  
 17 is necessary, the Court will set an evidentiary hearing.

18 IT IS SO STIPULATED.

19 Dated this 17th day of February, 2021.

Dated this 17th day of February, 2021.

20 WRIGHT, FINLAY & ZAK, LLP

21  
 22 /s/ Darren T. Brenner

23 Darren T. Brenner, Esq.  
 24 Nevada Bar No. 8386  
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 formerly known as Ocwen Loan Servicing,  
 LLC

/s/ Christopher P. Burke

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 702 Plumas Street  
 Reno, NV 89509  
 Attorney for Debtors, Christopher  
 Michael Marino and Valerie Margaret  
 Marino

**CERTIFICATE OF SERVICE**

1. On February 17, 2021, I served the following document(s):

**STIPULATION TO CONTINUE HEARING**

2. I served the above-named document(s) by the following means to the persons as listed below:

(Check all that apply)

- a. ECF System (You must attach the "Notice of Electronic Filing", or list all persons and address and attach additional paper if necessary)

SETH J. ADAMS on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR GMACM MORTGAGE LOAN TRUST

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CHRISTOPHER PATRICK BURKE on behalf of Debtor CHRISTOPHER MICHAEL MARINO

atty@cburke.lvcoxmail.com

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CHRISTOPHER PATRICK BURKE on behalf of Joint Debtor VALERIE MARGARET MARINO

atty@cburke.lvcoxmail.com

CHRISTOPHER PATRICK BURKE on behalf of Joint Debtor VALERIE MARGARET MARINO

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☐ b. United States mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary)

☐ c. Personal Service (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct email (as opposed to through the ECF System) (List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission (List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. By messenger (List persons and addresses. Attached additional paper if necessary)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to the Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

Signed on February 17, 2021.

/s/ Jason Craig

An employee of Wright, Finlay & Zak, LLP